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Before the
FEDERAL COMMUNICATIONS COMMISSION
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DEC 12 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

INDIANHEAD TELEPHONE COMPANY)

CC Docket No. 92-237

Request for Waiver of Carrier
Identification Code Requirement)

To: Network Services Division, Common Carrier Bureau

REQUEST FOR WAIVER

Indianhead Telephone Company (Indianhead), by its attorney and pursuant to Section 1.3 of the Commission's Rules, requests waiver **until May 31, 1998**, of the requirement in the CICs Order on Reconsideration¹ for local exchange carriers (LECs) providing equal access to convert their switches to recognize four-digit Carrier Identification Codes (CICs) by January 1, 1998.

Special Circumstances

Indianhead is a small LEC (approximately 2,053 access lines) which has provided equal access to toll carriers since 1992. It presently serves three exchanges in the rural Wisconsin communities of Weyerhaeuser (approximately 660 access lines), Radisson (approximately 844 access lines), and Exeland (approximately 549 access lines).

Indianhead has operated its network since 1992 by means of a host Northern Telecom (Nortel) digital switch in Weyerhaeuser,

¹ Order on Reconsideration, Order on Application for Review, and Second Further Notice of Proposed Rulemaking (Administration of the North American Numbering Plan, Carrier Identification Codes (CICs)), CC Docket No. 92-237, FCC 97-386, released Oct. 22, 1997.

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and satellite switching offices in Radisson and Exeland. Indianhead's switching system presently employs Nortel's Release No. 404.41 generic software, which does not support four-digit CICs.

For its network to recognize four-digit CICs, Indianhead needs to acquire and install additional switching system hardware (12 Mb memory cards) and upgraded operating system software (Nortel Release No. 405.20). Indianhead has ordered this hardware and software, and expects to receive it during the First Quarter of 1998. It believes that this new hardware and software can be installed, tested and made ready for commercial operation no later than May 31, 1998.

The Requested Waiver Should Be Granted

At paragraph 24 of its CICs Order on Reconsideration, the Commission recognized that some LECs may not be able to convert their switches to accept four-digit CICs by the January 1, 1998 deadline. It stated that LECs unable to meet this conversion deadline must seek relief from the Commission prior to that date.

In an Order (Clarks Telecommunications Co.), DA 97-2528, released December 3, 1997 [CIC Waiver Order], the Network Services Division recently granted waivers of the conversion deadline to several small LECs for periods extending up to June 30, 1998. The Division noted therein that the following three factors were relevant to its consideration of waiver requests: (1) the LEC's diligence in upgrading its switches; (2) the availability from manufacturers of products required to accomplish the upgrade; and (3) the impact of an extension of the conversion deadline on the

interexchange carriers (IXCs) served by the LEC's switches and on customers' ability to reach IXCs through carrier access code (CAC) dialing. CIC Waiver Order at para. 15.

Here, Indianhead has already ordered the additional hardware and the software upgrade necessary to upgrade its switching system to accept four-digit CICs. It has determined that these products are available from its vendors, but that it will receive them until the First Quarter of 1998. Thereafter, it will take additional time to install, test, adjust, and otherwise make the upgraded system ready for commercial operation. As indicated above, Indianhead believes that the entire acquisition/installation/adjustment process can be completed by May 31, 1998 -- one month prior to the June 30, 1998 termination date of the permissive dialing period.

Indianhead's 2,053 access lines constitute a minute fraction of the United States access lines served by IXCs. The brief extension requested by Indianhead will not disrupt the efforts of any IXC to prepare its network for four-digit CIC calling or to educate its customers regarding the same. Because the conversion will be completed at least a month prior to the end of the permissive dialing period, the proposed extension should not adversely impact the ability of Indianhead's customers to reach IXCs through CAC dialing. In contrast, denial of the requested waiver would place Indianhead in a position where it could not physically comply with the January 1, 1998 deadline, and where it would have to unduly rush the conversion of its switching system

in early 1998 by incurring unnecessary additional costs and malfunction risks.

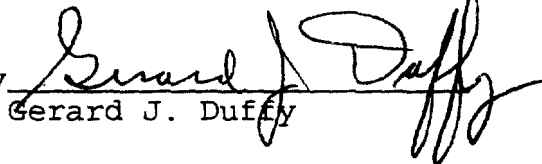
Finally, grant of a waiver would be consistent with the Commission's commitment to reducing regulatory burdens on small telephone companies. See, e.g., Notice of Proposed Rulemaking (End User Common Line Charges), 10 FCC Rcd. 8565, 8580 (1995); Report and Order (Competitive Service Safeguards for Local Exchange Carrier Provision of Commercial Mobile Radio Services), FCC 97-352, released Sept. 30, 1997 (noting that Congress expressed concern in the 1996 Act about burdens placed on small and rural LECs); Notice of Proposed Rulemaking (Regulation of Small Telephone Companies), 2 FCC Rcd. 1010, 1010 (1986) (minimizing regulatory burdens), adopted by 2 FCC Rcd. 3811 (1987) (Report and Order), recon., 3 FCC Rcd. 5770 (1988); LEC Price Cap Order, 5 FCC Rcd. 6786, 6818 (1990) (recognizing that small telephone companies should not be forced into a regulatory regime that was designed based largely on performance of large telephone companies); Report and Order (Regulatory Reform for Local Exchange Carriers Subject to Rate of Return Regulation), 8 FCC Rcd. 4545 (1993) (adopting a new and different set of optional incentive regulations designed specifically for small LECs); Order on Reconsideration (Interstate Interexchange Marketplace), FCC 97-293, para. 105, released Aug. 15, 1997 (rejecting suggestion to require the deployment of SS7 because it would impose greater burdens on small LECs); Second Report and Order (Telephone Number Portability), FCC 97-289, paras. 8-9, released

Aug. 14, 1997 (stating that the Commission had reduced burdens on rural and smaller LECs).

Conclusion

Indianhead has shown good cause under Section 1.3 of the Rules and the criteria in the CIC Waiver Order that the January 1, 1998 CIC conversion deadline should be waived, and that it should be given until May 31, 1998, to convert its switches to recognize four-digit CICs. See WAIT Radio v. FCC, 418 F.2d 1153, 1157 (1969), and Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

Respectfully submitted,
INDIANHEAD TELEPHONE COMPANY

By 
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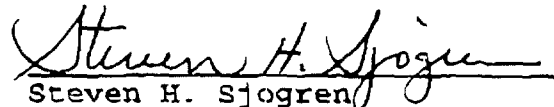
Dated: December 11, 1997

DECLARATION

I, Steven H. Sjogren, hereby state the following:

1. I am the President of Indianhead Telephone Company.
2. I have read the foregoing Request for Waiver prepared for filing with the Federal Communications Commission on behalf of Indianhead Telephone Company.
3. With the exception of those facts of which official notice can be taken, all facts statements made regarding Indianhead Telephone Company in the Request For Waiver are true and correct to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 12 day of December, 1997.


Steven H. Sjogren

CERTIFICATE OF SERVICE

I, Sharmon Truesdale, an employee of Blooston, Mordkofsky, Jackson & Dickens, certify that on this 12th day of December 1997, copies of the foregoing REQUEST FOR WAIVER have been hand-delivered to:

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Washington, DC 20554

Linda Dubroof, Deputy Chief
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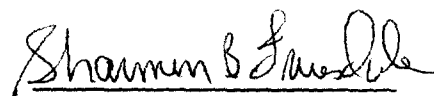
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